



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,613	07/18/2000	Max Donath	U11.12-0137	9301

7590 04/16/2003

Westman Champlin & Kelly PA
Suite 1600-International Centre
900 Second Avenue South
Minneapolis, MN 55402

EXAMINER

SHAPIRO, LEONID

ART UNIT	PAPER NUMBER
----------	--------------

2673

DATE MAILED: 04/16/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/618,613	Applicant(s) DONATH ET AL	
	Examiner Leonid Shapiro	Art Unit 2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>17</u> | 6) <input type="checkbox"/> Other: |

1. This application contains claims 2-15, 22-49 drawn to an invention nonelected with traverse in Paper No. 8. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 16-21, rejected under 35 U.S.C. 103(a) as being unpatentable over Groves et al. (US Patent No. 5,414,439) in view of Lemelson et al. (US Patent No. 6,226,389 B1).

As to claim 1, Groves et al. teaches the display on mobile body with the conformal, display (See Fig. 1, 4-5 items 12, 14, 22, 24, 30, 30', 30'', in description See Col. 2, Lines 45-58 and Col. 3, Lines 47-65).

Groves et al. does not show display of stored objects corresponding to object information contained in a data storage system.

Lemelson et al. teaches display of stored objects corresponding to object information contained in a data storage system (See Fig. 1, items 11-13, in description See from col. 15, Line 45 to Col. 16, 10). It would have been obvious to one of ordinary skill in the art at the time of invention to implement a data storage system as shown by Lemelson et al. in Groves et al apparatus in order to display stored objects to warn the driver of hazardous conditions during driving by operating a display (See Col. 2, Lines 23-24 in the Lemelson et al. reference)

Art Unit: 2673

As to claim 16, Groves et al. teaches the display displayed at a perspective approximately equal to a perspective that would be perceived from an operator position at a location of the mobile body by an operator who has visual contact with actual objects corresponding to the displayed objects (See Fig. 1, 4-5 items 12, 1422, 24, 30, 30', 30'', in description See Col. 2, Lines 45-58 and Col. 3, Lines 47-65).

Groves et al. does not teach displaying the sensed objects.

Lemelson et al. teaches a television camera is mounted on a vehicle and scans the roadway ahead of the vehicle as the vehicle travels (See Fig. 1, 2, items 17, 11, 32, in description See Col. 5, Lines 21-64). It would have been obvious to one of ordinary skill in the art at the time of invention use sensor or camera as shown by Lemelson et al. in Groves et al apparatus in order to improve safety on the roads.

As to claim 17, Groves et al. teaches the display on mobile body wherein displayed sensed objects are positioned within a field of view of view of operator in the operator position, which approximately overlies the actual objects in the field of view (See Fig. 1, 4-5 items 12, 1422, 24, 30, 30', 30'', in description See Col. 2, Lines 45-58 and Col. 3, Lines 47-65).

As to claim 18, Groves et al. teaches the display wherein the displayed object are displayed in a forward-looking view of the operator (See Fig. 1, 4-5 items 12, 1422, 24, 30, 30', 30'', in description See Col. 2, Lines 45-58 and Col. 3, Lines 47-65).

As to claim 19-21, Lemelson et al. teaches mobile body comprises a vehicle (See Col. 2, Lines 21-22) travels over a roadway and wherein the displayed sensed objects correspond to transitory objects, such as other vehicles or pedestrians, or animals proximate to the roadway, not

Art Unit: 2673

fixed in place during normal operating circumstances of the roadway See Fig.1-2, items 17, 82, in description See Col.2, Lines 19-67).

Response to Amendment

3. Applicant's arguments filed on 03-18-03 with respect to claims 1, 16-21 have been considered but are moot in view of the new ground(s) of rejection.

4. The newly added limitation for claim 1, "a conformal display of stored objects corresponding to object information contained in a data storage system" is shown by Lemelson et al. (See Fig. 1, items 11-13, in description See from col. 15, Line 45 to Col. 16, 10).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2673


Telephone inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 703-305-5661. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703-305-4938. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

ls
April 15, 2003


BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600